

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HARRY VERN FOX,

Plaintiff,

v.

JOSEPH LEHMAN,

Defendant.

Case No. C05-5562FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE** for failure to perfect service within the time frame prescribed by Fed. R. Civ. P. 4 (m).
- (3) Clerk is directed to send copies of this Order to plaintiff, and to the Hon. Karen L. Strombom.

DATED this 24<sup>th</sup> day of May 2006.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE